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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,206	12/22/1999	NAOKI TUCHITOI	35.C14130	5891
5514	7590	09/26/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			WALLERSON, MARK E	
		ART UNIT	PAPER NUMBER	
		2626	6	
DATE MAILED: 09/26/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/470,206	Applicant(s) Tuchitai et al						
	Examiner Mark Wallerson	Art Unit 2626						
								
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --								
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 								
Status <p>1) <input type="checkbox"/> Responsive to communication(s) filed on _____.</p> <p>2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>								
Disposition of Claims <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-224</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-24, 27-80, 83-136, 139-192, and 195-224</u> is/are rejected.</p> <p>7) <input checked="" type="checkbox"/> Claim(s) <u>25, 26, 81, 82, 137, 138, 193, and 194</u> is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>								
Application Papers <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>								
Priority under 35 U.S.C. §§ 119 and 120 <p>13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.</p>								
<p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>								
Attachment(s) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding-right: 20px;"> 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) </td> <td style="width: 50%;">4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</td> </tr> <tr> <td>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</td> <td>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</td> </tr> <tr> <td>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</td> <td>6) <input type="checkbox"/> Other: _____</td> </tr> </table>			1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____	2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	6) <input type="checkbox"/> Other: _____
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3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____	6) <input type="checkbox"/> Other: _____							

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This application has been examined. Claims 1-224 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 is very unclear to the Examiner.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“[A] print job” in line 18 of claim 27 is indefinite.

7. Claims 44 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“[S]toring means for string the network address” is unclear.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b).

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Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Sugiyama et al (Sugiyama) (U. S. 5,996,029).

With respect to claims 1, 17, and 20, Sugiyama discloses a print control apparatus (4-2) for receiving a print job including data from an external apparatus and forming an image in an image forming section (column 12, lines 20-53), comprising storing means for storing print data (column 13, lines 32-60 and column 17, lines 40-61); generating image data by analyzing the print data (column 13, lines 39-45 and column 17, lines 40-61); forming an image based on the generated image data (column 13, lines 46-50), wherein the storage means stores the print data until formation of the image is completed (column 13, line 49 to column 14, line 7).

With regard to claims 2, 3, 4, 7, 8, 9, and 10, Sugiyama discloses in response to an interrupt instruction of a print job from the external apparatus causing the generation meas to suspend analysis of the print data of any print job other than the print job designated to interrupt and analyze the print data of the instructed print job (figure 38C and column 46, line 20 to column 47, line 45).

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With respect to claims 5 and 6, Sugiyama discloses in response to an interrupt instruction for a print job from the external device deleting all generated print data (column 47, lines 42-43 and column 51, lines 34-40).

With respect to claim 11, Sugiyama discloses an interrupt instruction for a print job is included in the print job (column 47, line 25 to column 48, line 7).

With respect to claims 12, 13, and 37, Sugiyama discloses priority control means for controlling such that the print data of a print job instructed for priority print is analyzed after the analysis of print data of another print job is completed (column 47, line 63 to column 48, line 45).

With respect to claim 14, Sugiyama discloses suspend (interruption) control means wherein the suspended print data is not analyzed by the generation means in response to an interrupt instruction (figure 38C).

With respect to claims 15 and 16, Sugiyama discloses resuming analysis of the stored data in response to a resume instruction (figure 38C and column 47, lines 25-33).

With regard to claims 18 and 19, Sugiyama discloses discriminating the print jobs (column 47, line 3 to column 48, line 7).

With regard to claims 21 (as best understood), 22, and 23, Sugiyama discloses not suspending image formation based on an instructed print job (figure 38E).

With regard to claim 24, Sugiyama discloses setting whether interrupt instruction can be used (column 42, lines 26-35).

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With respect to claim 27 (as best understood), 28, 29, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, and 45, Sugiyama discloses generating image data by analyzing the print data (column 41, lines 31-50 and column 42, lines 10-56); forming an image based on the generated image data (column 42, lines 10-56), wherein the apparatus can be operated in a fist mode causing the generation means to suspend the analysis of print data of any print jobs other than the instructed job and analyze the print job of the instructed job (column 47, lines 25-33), and a second mode for analyzing the print data of the instructed job after completing analysis of print data of the other print job (column 47, lines 11-13).

Further with respect to claims 36, 39, 40, 41, 42, 43, 45, 46, and 47 Sugiyama discloses notifying the external apparatus (a host computer) that there has been an interruption of a print job (column 41, lines 1-30).

Further with respect to claim 45, Sugiyama discloses priority control means for controlling such that the print data of a print job instructed for priority print is analyzed after the analysis of print data of another print job is completed (column 47, line 63 to column 48, line 45).

With respect to claim 30, Sugiyama discloses deleting all generated print data (column 47, lines 42-43).

With respect to claims 44 and 48, Sugiyama discloses storing the network address of the computer (column 15, lines 44-49).

With regard to claims 49, 50, Sugiyama discloses storing print jobs supplied from an external apparatus (column 42, lines 35-66); inputting interrupt commands (column 26, lines 38-

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46); saving print jobs in response to the interrupt command (column 42, lines 26-34), and informing the external apparatus of the interrupt in response to the saving process (column 42, lines 10-56).

With regard to claims 51 and 52, Sugiyama discloses printing a print job sent after input of the interrupt command (figure 38C).

With respect to claim 53, Sugiyama discloses returning the status of print jobs (column 41, lines 1-30).

With respect to claims 54 and 55, Sugiyama discloses the external device is a host computer connected to a network (figure 3) and means for informing the host computer that there is an interrupt print (column 53, line 11 to column 54, line 2).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiyama in view of Morikawa (U. S. 5,812,901).

With respect to claim 56, Sugiyama differs from claim 56 in that he does not clearly disclose ejecting the interrupt job by different ejection means than the other print sheets.

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Morikawa discloses ejecting the interrupt job by different ejection means that the other print sheets (column 24, lines 42-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sugiyama to eject the interrupt job by different ejection means than the other print sheets. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sugiyama by the teaching of Morikawa in order to prevent the inter-mixing of jobs.

Claims 57-224 are the method, computer medium and computer program claims that pertain to the apparatus claims (claims 1-56), and are similarly rejected.

Allowable Subject Matter

12. Claims 25, 26, 81, 82, 137, 138, 193 and 194 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an

interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

MARK WALLERSON
PRIMARY EXAMINER

MARK WALLERSON